

**Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, June 6, 2005
4:30 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:30 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:30 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr,
Absent: Cook (arrived at 7:12 p.m. during continued Closed Session)

The City Clerk Announced a Late Communication

Pursuant to the Brown (Open Meetings) Act, Joan L. Flynn City Clerk announced a Late Communication that had been received by her office following distribution of the agenda packet:

Communication submitted by Councilmember Debbie Cook dated June 6, 2005 and titled *Notice of Absence*.

(City Council/Redevelopment Agency) Study Session Held – Presentation Given by the Police Department Regarding Current Police Staffing Issues and Plans for Summer 2005 (100.10)

City Administrator Penny Culbreth-Graft introduced Police Chief Ken Small. Chief Small presented a PowerPoint report titled *Police Department Staffing City Council Workshop June 6, 2005*, which was included in the agenda packet.

Chief Small thanked Council for its support with the recent labor contract. He reported on expediting the background check process, the current staffing level of sworn officers, areas of vacancies, and the hiring of lateral police officers. The Chief also reported on schedules for coverage of the City's twelve "beats," response times to Priority One calls, summer schedules for the beach and downtown areas, and plans for the future – taking into account the impact of new "visitor" developments.

Council inquiries were made regarding staffing statistics, the timeline for hiring lateral officers, the prioritization of different Priority One calls, budgeting for increased staffing, hiring of retired officers, summer detail staffing, and overtime cost projections. Councilmembers stated concern over the stress of overtime on police staff and on the status of response times.

Council stated its support of the Police Department and for the Police Chief in improving service to the citizenry.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Hansen to recess to Closed Session on the following items. The motion carried by consensus of all present, Councilmember Cook absent.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Scottsdale Insurance Co., et al. v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 761735. Subject: **Scottsdale Insurance Co. v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Chuck Thomas, Acting Director of Administrative Services, Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, SCLEA and MEO.** Subject: **Labor Relations – Meet & Confer.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. **Number of Potential Cases: 481.** Subject: **Potential Litigation.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Shugart v. City of Huntington Beach**, United States District Court Case No. SACV 91-0475 AHS (RWRx). Subject: **Shugart v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Merrilee Madrigal v. City of Huntington Beach, Landscape By Hiro, Inc., Real Parties in Interest**, Orange County Superior Court Case No. 05CC00029. Subject: **Madrigal v. City of Huntington Beach, Landscape By Hiro, Inc., Real Parties in Interest.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:00 P.M. – Council Chambers.

City Council/Redevelopment Agency Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr

Absent: Cook (arrived at 7:12 p.m. for continued Closed Session)

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).

Mayor Hardy asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance – Led by Mayor Hardy

Invocation – Led by Robert L. Jabro, Heritage Memorial Services

The City Clerk Announced A Late Communication

Pursuant to the Brown (Open Meetings) Act, City Clerk, Joan L. Flynn announced a Late Communication regarding an agenda item that had been received by her office following distribution of the agenda packet:

Communication submitted by Councilmember Debbie Cook dated June 6, 2005 and titled *Notice of Absence*.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Dean Albright, undated, titled *Global Water Intelligence Desalination Tracker*.

Communication submitted by Eileen Murphy, undated, titled www.hbdesalfacts.org.

Communications submitted by Larry Porter dated May 27, 2005 titled *To Whom it May Concern: Poseidon Respondent and Watershed Sanitary Survey Report, Orange County Desalination Project, Chapter 1 Introduction*.

Communication submitted by Jan Vandersloot dated May 12, 2005 titled *Tampa Bay Seawater Desalination*.

Presentation – Mayor Jill Hardy called on Community Services Recreation Superintendent, Janeen Laudenback who announced a \$5,000 donation to the Distance Derby from Rainbow Disposal, title sponsor of the event. (160.40)

Presentation – Mayor Jill Hardy called on Fourth of July Executive Board Chair, Mary Ellen Cianciabella who spoke regarding the Fourth of July Parade and Fireworks. Ms. Cianciabella announced that merchandise is available at some local stores and that the Pier Plaza Expo will be held on July 3rd and 4th. For more details, visit www.hb4thofjuly.com. Recognition was also given to Public Works Engineering Technician John Von Holle for being named the recipient of the Bill Gallienne Award and former Mayor Shirley Dettloff for being named Community Grand Marshal for the parade. (160.40)

Presentation – Mayor Jill Hardy called on Council Member Gil Coerper who presented an award of appreciation to Buena Park City Council Member Art Brown and the City of Buena Park for their support of the Third Battalion, First Marines (3/1) Dining Out event on April 22, 2005. Councilmember Brown of Buena Park presented additional donation checks totaling \$1025 for the “3/1” Adoption Program. (160.40)

Presentation - Mayor Jill Hardy called on Michelle Tuchman, Director of Public Affairs for the Municipal Water District, who announced student poster/slogan contest winners and presented a trophy and certificate to the Huntington Beach contest winner, second grade student Saba Qadir. (160.40)

Public Comments

Dean Albright, affiliated with Huntington Beach Tomorrow, referred to pages from a document titled *Global Water Intelligence*, which he distributed as a Late Communication, and cited statistics relative to global warming and privatization of water.

Eileen Murphy, speaking on behalf of Residents for Responsible Desalination, invited Council to visit the website, www.hbdesalfacts.org for information relative to the proposed Poseidon project. Ms. Murphy referred to the communication she distributed to Council and urged Council to vote "No" on the proposed desalination project.

Larry Porter voiced his opposition to the proposed Poseidon desalination project, referring to what he stated is misleading and false information being provided by Poseidon. He distributed two Late Communications and urged Council to vote "No" on the potential project.

Gerald Caterina, 24 year Huntington Beach resident, voiced his concern regarding the condition of the downtown beaches. Mr. Caterina stated his opinion that the beaches are dirty and asked Council to address the situation.

Steve Stafford stated concerns about loan papers and some developers with whom the City works. He also expressed concerns about the welfare of his dog.

Jan Vandersloot referred to a Late Communication that outlines problems with the desalination operation in Tampa Bay, Florida. Mr. Vandersloot urged Council to review the Poseidon Tampa Bay project before making any decisions for Huntington Beach.

John Scott stated concerns relative to the sewer line project in southeast Huntington Beach and the negative effects on a friend's property. Mr. Scott also voiced his concerns about the proposed Poseidon project.

(City Council) Announcement Made of Councilmember Debbie Cook's Individual Appointment of Flossie Horgan to the Planning Commission (110.20)

Mayor Hardy announced the above appointment.

(City Council) 3rd Battalion, 1st Marines (3/1) Committee Liaison Report Given by Councilmember Cathy Green and Mayor Pro Tem Dave Sullivan (110.20)

Councilmember Cathy Green read a letter of appreciation from one of the marines adopted by the City of Huntington Beach. Mayor Pro Tem Sullivan re-iterated the intent of the 3/1 Adoption, encouraging contributions.

(Redevelopment Agency) Cancelled Public Hearing - to be Rescheduled and Renoticed to a Date Uncertain - Continue the Evaluation on the Progress of the Five Year Implementation Plan (2002-2007) for the Southeast Coastal Redevelopment Project Area (410.05)

The City Council considered a communication submitted by the Acting Deputy Executive Director transmitting the following **Statement of Issue**: The evaluation on the progress of the Five Year Implementation Plan for the Southeast Coastal Project area needs to be rescheduled. As this meeting was duly noticed as the public hearing date for the evaluation, the Redevelopment Agency will move to hold the public hearing to a later date and renotice the hearing.

Mayor Hardy announced the cancellation of this public hearing, with rescheduling to a date uncertain.

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Second Five-Year Extension of the Lease with Dwight's and Jack's, Inc. for Jack's Beach Concession at Huntington City Beach – Documents if Advised by City Attorney

(City Council) Professional Services Contract with NetXact, Inc. for Information Services Technical Support

Consent Calendar – Items Approved

On motion by Green, second Sullivan Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr
NOES: None
ABSENT: Cook

(City Council/Redevelopment Agency) Approved and Adopted Minutes - Continued from May 16, 2005 Meeting (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of April 18, 2005 and Adjourned Regular Meetings of April 25, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Adopted Resolution Number 2005-39 Approving the Submittal of Applications to the Orange County Transportation Authority (OCTA) for Three Improvement Projects Under the Combined Transportation Funding Programs (CTFP) (located Bolsa Chica Street/Warner Avenue to Interstate 405; Pacific Coast Highway at Warner Avenue; and Pacific Coast Highway at Brookhurst Street) (800.45) – Adopted **Resolution Number 2005-39** – *“A Resolution of the City Council of the City of Huntington Beach Approving the Submittal of Three Improvement Projects to the Orange County Transportation Authority for Studies and Street Improvement Funding Under the Combined Transportation Funding Program.”* Submitted by the Acting Public Works Director. Funding Source: No funding source is required for this action. If grants were awarded, matching funds would be required for one of the three projects. Traffic Impact Fees and fair share contributions from recent developments are appropriate matching fund sources.

(City Council) Adopted Resolution Number 2005-40 to Establish Portions of Atlanta Avenue East of Brookhurst Street as Diagonal Parking Zones (560.10) – Adopted **Resolution Number 2005-40** - *“A Resolution of the City Council of the City of Huntington Beach Designating Portions of Atlanta Avenue as Diagonal Parking Zone.”* Submitted by the Acting Public Works Director. Funding Source: The recommended action will require the expenditure of approximately \$4,000 in staff time and materials and can be provided within the current operating budget of the Public Works Department, Traffic Signs and Markings, Business Unit 10085302.

(City Council) Approved Deletion of Financial Policy Requiring a Biannual Two-Year Budget and Amended Language to Reflect Annual Budget Preparation – Approved the 3-Way Designation of the General Fund Balance in Excess of the Required 7% Reserve, with 50% Designation to the General Fund, 25% Towards the Capital Improvement Fund and the Remaining 25% Towards the Infrastructure Fund (310.10) – 1. Approved the deletion of the current financial policy requiring a biannual preparation of a two-year budget; and 2. Approved the 50/25/25 proportion of General Fund balance in excess of the required seven percent (7%) reserve and the General Fund portion placed in a secondary General Fund Reserve. Submitted by the Finance Officer. Funding Source: Not applicable.

(City Council) Approved the Second Five-Year Extension of the Lease with Dwight's and Jack's, Inc. for Jack's Beach Concession at Huntington City Beach – Execute Documents if Advised by City Attorney (600.35)

The City Council considered a communication from the Acting Economic Development Director and Community Services Director transmitting the following **Statement of Issue**: The City Council is asked to approve the second of three available five-year extensions of a lease agreement with Dwight's and Jack's, Inc. for the operation of Jack's Beach Concession at Huntington City Beach.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to inquire about the lease details. Acting Assistant City Administrator Robert F. Beardsley introduced Economic Development Consultant Mike Hennessey, who responded.

A motion was made by Bohr, second Green to approve the second of three available five-year extensions of the City's lease with Dwight's and Jack's, Inc. for Jack's Beach Concession and authorize the Mayor and City Clerk to execute any necessary related documents if advised by the City Attorney. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr
NOES: None
ABSENT: Cook

(City Council) Deferred to a Date Uncertain - Professional Services Contract with NetXact, Inc. for Information Services Technical Support (600.10)

The City Council considered a communication from the Acting Information Services Director transmitting the following **Statement of Issue**: Should the City Council approve a Professional Services Contract with NetXact, Inc. to provide technical consultant services in support of the City's primary business systems application? Funding Source: Current funding for this contract is available in FY 04/05 budget in Business Unit 30143002.

Mayor Hardy announced that this item is being deferred to a future agenda at the request of City Administrator Penny Culbreth-Graft.

(City Council) Adopted Ordinance No. 3714 Repealing the Local Gift Ban Ordinance and Alleviating Dual Standards Between the State and City Regarding the Huntington Beach Municipal Code Chapter 2.05 Relating to Gifts to Public Officials (120.10)

Mayor Hardy announced that she would abstain from this item due to a potential conflict of interest, and left the room.

Councilmember Cathy Green inquired about the current amount of the state gift limit. City Attorney Jennifer McGrath responded.

After the City Clerk read by title, a motion was made by Coerper, second Bohr to adopt **Ordinance Number 3714** – *“An Ordinance of the City of Huntington Beach Repealing Chapter 2.05 of the Huntington Beach Municipal Code Relating to Gifts to Public Officials.”* (Approved for introduction May 16, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Green, Bohr
NOES: None
ABSENT: Cook
ABSTAIN: Hardy

(City Council) Adopted Ordinance Number 3715 Amending Huntington Beach Municipal Code Chapter 13.48 Relating to Animals in the Park Pursuant to the Terms of the Agreement between the City and Southern California Edison (SCE) (500.10)

After the City Clerk read by title, a motion was made by Sullivan, second Coerper to adopt **Ordinance Number 3715** – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park.”* (Approved for introduction May 16, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green
NOES: Bohr
ABSENT: Cook

(City Council) Approved for Introduction Ordinance No. 3716 Amending Huntington Beach Municipal Code Chapter 5.24 Relating to Insurance Records for Massage Establishments (570.10)

After the City Clerk read by title, a motion was made by Coerper, second Green to approve introduction of **Ordinance Number 3716** - *“An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Insurance Records for Massage Establishments.”* The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr
NOES: None
ABSENT: Cook

(City Council) Approved for Introduction Ordinance No. 3717 Amending Huntington Beach Municipal Code Chapter 10.60 Relating to Parking (560.35)

After the City Clerk read by title, a motion was made by Sullivan, second Coerper to approve introduction of – **Ordinance Number 3717** - *“An Ordinance of the City of Huntington Beach Amending Chapter 10.60 of the Huntington Beach Municipal Code Relating to Parking.”* The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr
NOES: None
ABSENT: Cook

(City Council) Councilmember Hansen Reported on Pier Plaza Memorial Day Event (120.85)

Councilmember Don Hansen announced that the Pier Plaza Memorial Day Event was a success and recommended that the event continue to occur at the Pier.

(City Council) Mayor Pro Tem Sullivan Congratulated Ocean View High School Baseball Team (120.85)

Mayor Pro Tem Dave Sullivan congratulated the Ocean View High School Baseball Team on their accomplishment of winning the CIF Championship.

(City Council) Councilmember Green Announced Success of Saturday Concert at Pier Plaza (120.85)

Councilmember Cathy Green announced the success of and the great reports she heard about the concert at Pier Plaza on Saturday, June 4, 2005.

(City Council) Councilmember Coerper Reported on Request for Cost Information from the American Legion Post 133 Regarding Defibrillators in Squad Cars (120.85)

Councilmember Gil Coerper announced the American Legion Post 133 had inquired about the cost of placing defibrillators in squad cars and he requested Police Chief Small provide figures to them.

(City Council) Mayor Hardy Congratulated Adam Scott Cetin on Eagle Scout Award - Thanked Students, Senior Citizens, Mayor Pro Tem Sullivan, and Former Mayor Peter Green For Participation with her Student Project (120.85)

Mayor Jill Hardy congratulated Adam Scott Cetin on his Eagle Scout award. She also thanked her students, Senior Citizens, Mayor Pro Tem Sullivan and former Mayor Peter Green for their participation in her recent project.

(City Council) Recess to Continued Closed Session

Mayor Hardy announced that the City Council would recess to continue Closed Session discussion. Councilmember Cook arrived during the Closed Session meeting.

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:58 pm. to Monday, June 20, 2005, at 4:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair